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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/779,271

02/08/2001

Alan J. McPherson

3054-027

4117

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02/24/2006

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EXAMINER

MEI, XU

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,271

Applicant(s)

MCPHERSON ET AL.

Examiner

Xu Mei

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the conversion process" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said converter" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said controls" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said program" in line 9. It is unclear which 'program' is this limitation referring to in the claim.

Claim 1 recites the limitation "the medium" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 4 recites the limitation "can be played". There is not a positive limitation.

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Claim 5 recites the limitation "said parameter" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim. It appears 'said parameter' should be --said selectable parameter--.

Claim 5 recites the limitation "a sensor adapted to determine said parameter and to generate a coefficient corresponding to said parameter" is considered indefinite because there is no functional connection between "the coefficient generated from the parameter" and the other limitation(s) in the claim. It's therefore unclear what "the coefficient generated from the parameter" is being used for in the claim.

Claim 13 recites the limitation "said multichannel" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation " generate a coefficient corresponding to said selectable parameter" is considered indefinite because there is no functional connection between "the coefficient generated from the parameter" and the other limitation(s) in the claim. It's therefore unclear what "the coefficient generated from the selectable parameter" is being used for in the claim.

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Claim 15 recites the limitation "said operational parameter" in line 2. There is insufficient antecedent basis for this limitation in the claim.


Claim 15 recites the limitation "certain target characteristics" is considered indefinite because it's unclear "the certain target characteristics" is as claimed.

Claims 1-16 are too indefinite to examine against art at this time and will be treated on the merits upon correction of all 112 problems as indicated above.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Xu Mei
Primary Examiner
Art Unit 2644
02/10/2006